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NEW DELHI, SATURDAY, NOVEMBER 7, 1987/KARTIKA 16, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (III) PART II—Section 3—Sub-section (III)

(संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अभिस्चनाएं
Orders and Notifications issued by Central Authorities (other than Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 7 अक्टूबर, 1987

आ.अ. 120.—लोक प्रतिनिधित्व अधिनियम, 1951
(1951 का 43) की धारा III के अनुमर्ग में, निर्वाचन
आयोग इसके द्वारा मूल रूप में बम्बई के निर्वाचन याचिका
संख्या 1980 की 2 में उच्च न्यायालय द्वारा 19-9-1987
को सुनाया गया निर्णय प्रकाशित करता है।

[सं 82/महा./1980 का 2/83]

आदेश से,

टी.सी. सिंघल, अवर सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 7th October, 1987

O.N. 120.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Judgement pronounced on 19-9-1987 by the High Court of Judicature original Side Bombay in Election Petition No 2 of 1980.

[No. 82/MT/2 of 1980/83]

By Order,

T. C. SINGHAL, Under Secy.
Election Commission of India

HIGH COURT

O. O. C. J.

Election Petition No 2 of 1980

Called Election Petition for Report under
Section 111 of the Representation
of the People's Act, 1951.

Coram : R. L. Aggarwal J.
Dated : 18-9-1987

Petitioner and Advocate absent.

Shri S. J. Shah ilby M/s. Gagrath & Co, for Respondent
No. 1

P. C. : The necessary report be submitted to the Election
Commissioner for publication according to Law

Sd/- R. S. Gajre

HIGH COURT, ORIGINAL SIDE :

Election Petition No. 2 of 1980

The Hon'ble Shri Justice R. L. Aggarwal.
Chandrashekar M. Prabhu

.. Petitioner

Versus

Raida Ratansingh Gokuldas & others
Petitioner and Advocate absent.

.. Respondents

Shri S. J. Shah ilby M/s. Gagrath & Co., for Respondent
No. 1.

Coram : R. L. Aggarwal J.

Friday, 18th September, 1987

Oral Order :

This is a fresh report under section 111 of the Representation of the People Act, 1951. Earlier, a report dated 13th December, 1983 was made, but having regard to the fact the notice of withdrawal of the election petition under section 110(3)(b) of the said Act had not been published in the Gazette of India, this fresh report has become necessary.

Few facts are that by this election petition, the petitioner Chandrashekar M. Prabhu sought a declaration that the election of the 1st respondent Rajda Ravansing Gokuldas to the Lok-Sabha from Bombay-South Constituency held in January 1980 is void and that respondent No. 2-Deora Murli Sitaram be declared to have been duly elected to the Lok-Sabha from the Bombay-South Constituency. The Petitioner made respondents Nos. 3 to 19 also parties to the petition. The 1st respondent made his written-statement on 19th August, 1980. On 19th August, 1980 the said written-statement was taken on file and the parties were directed to file their respective affidavits of documents and complete

discovery and inspection on or before 1st September 1980. The petition was ordered to be placed on board on 8th September 1980 for framing issues. When the petition came up for framing issues on 8th September, 1980, the learned Counsel appearing for the petitioner stated that he had instructions to apply for withdrawal of the petition. In view of that application for withdrawal of the petition, necessary orders and directions were given to publish the notice of withdrawal of the petition.

Now, the required notice of withdrawal of the petition has been published in the Gazette of India, Part IV, on 18th August, 1984 under section 110(3)(b) of the Representation of the People Act, 1951, and as no person has come forward to be substituted as petitioner, the petition has to be allowed to be withdrawn.

Accordingly, the petition is allowed to be withdrawn. Counsel for respondent No. 1 did not press for costs. There shall also be no order as to costs in favour of the other respondents.

Accordingly, the fact of the withdrawal of the present petition be reported to the Election Commission and the present report made under section 111 of the Representation of the People Act, 1951. The Prothonotary and Senior Master is directed to forward this report to the Election Commission for further action according to law.